



Motion Regarding Custody (FOC 87)

SAGINAW COUNTY FRIEND OF THE COURT
INSTRUCTIONS FOR FILING
MOTION REGARDING CUSTODY (FOC 87)

Use this Motion if: you already have a Judgment/Order or Paternity case and custody was not included or you want to change your current custody order.

Do NOT use this Motion form: to start a custody case or if you are a third party wanting custody.

By filing this motion, you are requesting a HEARING in front of a Friend of the Court Referee- if you have an agreement regarding custody **DO NOT USE THIS FORM- use the Consent Order Request Form**

FILING YOUR MOTION

- 1) Fill out the FOC 87 Motion Regarding Custody and the MC 416 Uniform Child Custody Jurisdiction Enforcement Act Affidavit (use a separate sheet and attach if you need more room to explain).
- 2) Call the Referee Office for a hearing date (989)790-5315 and fill out the information given to you by the Referee Office in the "Notice of Hearing" section.
- 3) Bring or mail your FOC 87 and MC 416 and four copies of your documents to the Circuit Court Clerk's Office located in the basement of the Courthouse at 111 S. Michigan Ave. Saginaw, MI 48602. If you mail your motion, include a self-addressed stamped envelope for the Clerk to return your copies to you.
- 4) You will need to pay a \$100.00 filing fee with this motion by check or money order. If you cannot afford this fee, please fill out a Fee Waiver Request (Form MC 20) and file along with your Motion.
- 5) The Court Clerk will keep the original and one copy and return the remaining copies to you.

SERVING YOUR MOTION

- 1) You **MUST** serve the Motion and form MC 416 to the other party (and attorney if represented) as soon as possible after filing your motion and at least **9 days before your hearing**. This is done by mailing the Motion, MC 416 and all attachments by first class mail to other party/attorney. If you do not have the other party's address, you can obtain it from the Circuit Court Clerk's office.
- 2) After mailing the Motion and form MC 416, complete the CERTIFICATE OF MAILING section on the bottom of the Motion.
- 3) **YOU MUST FILE YOUR CERTIFICATE OF MAILING:** Return to the Clerk's office to file two copies of the certificate of mailing. The court clerk will route a copy to the Friend of the Court.

PREPARING FOR YOUR HEARING

- 1) You must attend the hearing on your petition. If you do not appear, your motion will be denied and you will have to re-file your Motion. Hearings may be conducted by video conferencing (Zoom). You will receive all information on video conferencing from the Referee Office when you schedule your hearing.
- 2) If the other party responds to your petition, just read the response and be prepared to address it at your hearing.
- 3) Your hearing may result in a referral to the Friend of the Court for Investigation. Investigations will be scheduled at a later date with a Friend of the Court Staff attorney and require a \$100.00 fee.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION REGARDING CUSTODY	(A) CASE NO.
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Court address _____

Court telephone no. _____

(B) Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party Third party name, address, and telephone no. <input type="checkbox"/> moving party	v	Defendant's name, address, and telephone no. <input type="checkbox"/> moving party (C) 1. <input type="checkbox"/> a. On _____ a judgment Date or order was entered regarding custody. <input type="checkbox"/> b. There is currently no order regarding custody.
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2. Attached is a completed Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC 416).

(D) 3. The plaintiff defendant third party was ordered to have custody of the following child(ren):

(E) 4. The child(ren) have been living with _____ at
Name(s)
 _____ since _____
Complete addressDate

(F) 5. Proper cause exists or circumstances have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(G) 6. It is in the best interests of the child(ren) to establish or change custody for the following reasons:
Use a separate sheet to explain in detail which best interest factors under the Child Custody Act support this motion and attach. Include all necessary facts.

(H) 7. _____ and I agree to custody, support, and parenting time as follows:
Name
 Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 8. I ask the court to order that custody, parenting time, and support be as follows:
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) _____
DateMoving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____
Judge/RefereeBar no.

(K) on _____ at _____ at _____
DateTimeLocation

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Note: If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FOC 88.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this motion, a Uniform Child Custody Jurisdiction Enforcement Act Affidavit and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(L) _____
DateMoving party's signature

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT PROBATE COURT COUNTY	UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT	CASE NO.
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Court address

Court telephone no.

CASE NAME:

- The name and present address of each child (under 18) in this case is:
- The addresses where the child(ren) has/have lived within the last 5 years are:
- The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:
- I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child(ren), in this state or any other state, **except:** Specify case name and number, court name and address, and date of child custody determination, if one.
- I do not know of any pending proceeding that could affect the current child custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, in this state or any other state, **except:** Specify case name and number, court name and address, and nature of the proceeding.

That proceeding is continuing. has been stayed by the court.
 Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation.
- I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except:** State name(s) and address(es) of each person.
- The child(ren)'s "home state" is _____ . See back for definition of "home state."
- I state that a party's or child's health, safety, or liberty would be put at risk by the disclosure of this identifying information.

I have filled this form out completely, and I acknowledge a continuing duty to advise this court of any proceeding in this state or any other state that could affect the current child-custody proceeding.

_____ Signature of affiant	_____ Name of affiant (type or print)	_____ Address of affiant
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Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____

Notary public, State of Michigan, County of _____

"Home state" means the state in which the child(ren) lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with a parent or person acting as a parent. A period of temporary absence of a parent or person acting as a parent is included as part of the period.